

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

1) MANDY AND KEVIN WISDOM,)	
husband and wife,)	
)	
Plaintiffs,)	
)	
v.)	Case No. CIV-17-718-M
)	
2) LIBERTY MUTUAL FIRE INSURANCE)		
COMPANY, d/b/a LIBERTY MUTUAL,)		
)	
Defendant.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Liberty Mutual Fire Insurance Company ("Liberty Mutual") hereby removes the above-captioned action from the District Court of Oklahoma County, State of Oklahoma, to the United States District Court for the Western District of Oklahoma. In support of this removal, Liberty Mutual states as follows:

1. On December 2, 2016, Plaintiffs Mandy and Kevin Wisdom ("Plaintiffs") commenced an action in the District Court of Oklahoma County, Oklahoma, entitled *Mandy and Kevin Wisdom, husband and wife v. Liberty Mutual Fire Insurance Company, d/b/a Liberty Mutual, et al.*, Case No. CJ-2016-6176 (the "State Court Action"). A true copy of the state court docket sheet is attached as

Exhibit 1. All process, pleadings, and orders filed or served in the State Court Action are attached hereto as Exhibits 2 through 18.

2. Plaintiffs are citizens of Oklahoma County, Oklahoma. Defendant Liberty Mutual is a company organized under the laws of the State of Wisconsin with its principal place of business in Boston, Massachusetts.

3. On December 13, 2016, Plaintiffs filed their First Amended Petition adding One Gas, Inc., d/b/a Oklahoma Natural Gas ("ONG") as a defendant.¹

4. Upon information and belief, ONG is a corporation organized under the laws of the State of Oklahoma with its principal place of business in the State of Oklahoma. On June 7, 2017, Judge Richard Ogden entered an Order in the State Court action severing Plaintiffs' claims of breach of contract and bad faith against Liberty Mutual from their gross negligence claim against Defendant ONG. A copy of the Court's June 7, 2017 Order is attached as Exhibit 18. Consequently, Defendant ONG is no longer a party to this litigation and Judge Ogden's Order renders this case removable. *See, e.g., Halliburton v. Johnson & Johnson & Ethicon, Inc.*, 983 F. Supp. 2d 1355, 1359 (W.D. Okla. Oct. 18, 2013).

¹ As of the filing of this Notice of Removal, ONG has not been served in the State Court Action.

5. In accordance with 28 U.S.C. § 1446(b)(1), this action has been removed within thirty (30) days of Judge Ogden's Order severing Plaintiffs' claims against Liberty Mutual from their claim against Defendant ONG.

6. The Western District of Oklahoma includes the state judicial district in which Plaintiffs filed their Petition.

7. This is a civil action over which this Court has original jurisdiction based on diversity of citizenship and amount in controversy pursuant to 28 U.S.C § 1332, and which may be removed to this Court pursuant to 28 U.S.C. §§ 1441 and 1446.

8. Contemporaneous with Liberty Mutual's filing of this Notice, Liberty Mutual will serve written notice to Plaintiffs' counsel of this filing, as required by 28 U.S.C. § 1446(d).

9. Defendant Liberty Mutual shall likewise file a true and correct copy of its Notice of Removal with the Clerk of the District Court in and for Oklahoma County, State of Oklahoma, as required by 28 U.S.C. §1446(d).

CONCLUSION

Defendant Liberty Mutual Fire Insurance Company respectfully removes the State Court action from the District Court for Oklahoma County, Oklahoma,

to the United States District Court for the Western District of Oklahoma, to proceed as an action properly removed thereto.

Respectfully submitted,

s/William W. O'Connor

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**ATTORNEYS FOR DEFENDANT, LIBERTY
MUTUAL FIRE INSURANCE COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of July, 2017, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Jason J. Murry

ATTORNEY FOR PLAINTIFFS

s/William W. O'Connor

William W. O'Connor